Calendar No. 564

101ST CONGRESS *2d Session*	SENATE	REPORT 101-301

AMENDING THE NATIONAL TRAILS SYSTEM ACT TO DESIGNATE THE CALIFORNIA NATIONAL HISTORIC TRAIL AND PONY EXPRESS NATIONAL HISTORIC TRAIL AS COMPONENTS OF THE NATIONAL TRAILS SYSTEM

MAY 22 (legislative day, APRIL 18), ~~1989~~ 1990.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 1109]

The Committee on Energy and Natural Resources to which was referred the Act (H.R. 1109) to amend the National Trails System Act to designate the California National Historic Trail and Pony Express National Historic Trail as components of the National Trails System, having considered the same, reports favorably thereon with amendments and recommends that the Act, as amended, do pass.

The amendments are as follows:

1. On page 2, line 1, strike "'( ) The" and insert in lieu thereof "'(18) The".

2. On page 2, line 17, strike "thereof" and insert in lieu thereof, "thereof: *Provided*, That within the States of Utah and Wyoming, no lands or interests therein may be acquired by the United States for the California National Historic Trail except with the consent of the owner thereof.".

3. On page 2, line 18, strike "'( ) The" and insert in lieu thereof "'(19) The".

4. On page 3, line 8, strike "thereof." and insert in lieu thereof, "thereof: *Provided*, That within the States of Utah and Wyoming, no lands or interests therein may be acquired by the United States for the Pony Express National Historic Trail except with the consent of the owner thereof.".

5. On page 3, line 9, strike section 2 in its entirety.

39-010

S313-16

Purpose of the Measure

The purpose of H.R. 1109, as ordered reported, is to designate the California National Historic Trail and Pony Express National Historic Trail as components of the National Trails System.

Background and Need

California National Historic Trail

The California National Historic Trail is actually a collection of several routes and connecting trails stretching across the western United States from the Missouri River to Sacramento. The specific route used depended upon the traveling party's starting point and final destination. The trail follows the same or similar route as portions of the Oregon, Mormon Pioneer and Pony Express Trails.

The trail was first established in 1841 by a party traveling by wagon from Independence, Missouri to California. The group successfully completed the first part of the trip, from Missouri to Fort Hall, Idaho. From there they continued westward, toward California. After wondering through northern Utah and Nevada, the party followed the Humboldt River until it disappeared into the Nevada desert. From there the group headed southwest and eventually arrived, on foot, in California.

Over the next several years, several groups and individuals completed the trip, although nobody had been able to take wagons beyond the "Humboldt Sink," the point at which the river disappeared into the desert floor. Finally, in 1844 a party set out on the trail from Council Bluffs, Iowa. Upon arriving at the Humboldt Sink, the party followed the Truckee River west through what is now Reno, Nevada and into the Sierra Nevada foothills. The path eventually became so narrow that the wagons had to literally be lifted up the 1,000-foot slope. After reaching the crest, the group was able to continue down the other side of the Sierra, reaching Sutter's Fort, California, in December of 1844, marking the first time that wagons had successfully completed the journey.

In the years that followed, many different routes along the trail were established, as more and more emigrants travelled west. Eventually an alternative western segment of the trail was developed, thereby eliminating the difficulty of carrying wagons over the Truckee route. By the time the flood of travelers headed west for the gold rush in 1848, the trail—and its different variants—had been firmly established.

During the gold rush years, approximately 200,000 people traveled west via the California trail. Had the trail not been developed by the time gold was discovered, the rush to California would have been virtually impossible.

Pony Express National Historic Trail

With the acquisition of the Oregon territory from Great Britain in 1846, and the southwest from Mexico in 1848, the United States became continuous from the Atlantic to the Pacific. As the Civil War drew near, there was increasing pressure to establish a regular communication system between the east and west coasts.

In 1857, Congress approved a contract for overland mail delivery from St. Louis to San Francisco. The contractor selected by Congress chose a 2,700-mile route through the southwestern United States. In an attempt to compete with the southern route, and to prove the superiority of a central route, the Central Overland California and Pike's Peak Express Company was formed. The company originally planned to use stagecoaches, but when that proved not to be feasible, the firm decided to use a 10-day horse relay mail express—the "Pony Express." The Pony Express was established to deliver mail from St. Joseph, Missouri, to the western terminus in Sacramento. From there, the mail was to be carried by boat down the Sacramento River to San Francisco, a total distance of over 1,800 miles. Mail was to be carried around the clock in both directions, with departures once each week from each end.

The Pony Express consisted of over 150 stations located between 10 and 25 miles apart, depending upon terrain. Approximately 75 horses were used in each direction, with one rider using several horses before handing off to the next rider.

The Pony Express made its inaugural run on April 3, 1860, and was officially terminated on October 26, 1861, the date of completion of the transcontinental telegraph link. In over 18 months of operation, only one trip was missed.

The trail to be added to the National Trails System is basically the 1,800-mile trail from St. Joseph to Sacramento used by the Pony Express riders. From Missouri, the trail proceeds through Kansas, Nebraska, Colorado, Wyoming, Utah and Nevada, until ending in California.

The trail is historically significant not only because the Central Overland California and Pike's Peak Express Company succeeded in providing rapid mail delivery to the west coast, but also because of the precedent it set for later transportation and communication to the west. The central overland trail first used by the Pony Express later became the route followed by the telegraph, and then by the transcontinental railroad.

Public Law 98-405 directed the National Park Service to study both the California and Pony Express trails to determine the feasibility and desirability of designating them as components of the National Trails System. The Park Service has determined that both trails are nationally significant and eligible for inclusion within the National Trails System.

Legislative History

H.R. 1109 passed the House of Representatives by a vote of 416-0 on March 6, 1990. The Subcommittee on Public Lands, National Parks and Forests held a hearing on H.R. 1109 on March 28, 1990. Also before the Committee is a similar measure, S. 456, as well as S. 374, which designates only the Pony Express National Historic Trail.

At the business meeting on April 25, 1990, the Senate Committee on Energy and Natural Resources ordered H.R. 1109, as amended, favorably reported.

Committee Recommendations and Tabulation of Votes

The Senate Committee on Energy and Natural Resources, in open business session on April 25, 1990, by a unanimous vote of a quorum present, recommends that the Senate pass H.R. 1109, if amended as described herein.

The roll call vote on reporting the measure was 19 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers *	
Mr. Ford	
Mr. Metzenbaum *	
Mr. Bradley *	
Mr. Bingaman *	
Mr. Wirth	
Mr. Conrad	
Mr. Heflin *	
Mr. Rockefeller *	
Mr. McClure	
Mr. Hatfield *	
Mr. Domenici	
Mr. Wallop	
Mr. Murkowski	
Mr. Nickles	
Mr. Burns	
Mr. Garn	
Mr. McConnell	

* Indicates voted by proxy

Committee Amendments

During the consideration of H.R. 1109, the Committee adopted five amendments. Amendments 1 and 3 are technical amendments correcting the numbering of the two paragraphs designating the trails as components of the National Trails System.

Amendments 2 and 4 provide that no lands or interests therein within the States of Wyoming and Utah may be acquired by the United States for either trail, except with the consent of the owner. With respect to lands outside of Wyoming and Utah, the Federal Government is limited to acquiring lands on a willing seller basis, except within federally administered areas. The language limiting Federal land acquisition authority to within Federally administered areas is identical to language included in the last five Acts adding trails to the National Trails System.

Amendment 5 deletes section 2 from H.R. 1159. That section amended section 10(c)(2) of the National Trails System Act to provide an outgoing authorization of appropriations all trails added as components to the National Trails System. As identical language is contained in another bill reported by the Committee—H.R. 1159, designating the Juan Bautista de Anza National Historic Trail—this language is not necessary.

SUMMARY OF THE MEASURE

H.R. 1109 amends section 5(a) of the National Trails system Act to designate the California National Historic Trail and the Pony Express National Historic Trail as components of the National Trails System.

The California National Historic Trail is defined as the approximately 5,700-mile trail, including all routes and cutoffs, beginning at Independence and St. Joseph, Missouri and Council Bluffs, Iowa, and ending at various points in California and Oregon. The actual trail route is depicted on a map in the 1987 Department of the Interior eligibility and feasibility study. No lands or interests therein may be acquired by the United States for the California National Historic Trail outside of the exterior boundaries of any federally administered area without the consent of the owner. Within Wyoming and Utah, no lands may be acquired by the United States for the trail, except with the consent of the owner.

The Pony Express National Historic Trail is defined as the approximately 1,900-mile trail, including the original route and subsequent route changes, beginning at St. Joseph, Missouri, and ending at Sacramento, California. The actual trail route is depicted on a map in the 1987 Department of the Interior eligibility and feasibility study. No lands or interests therein may be acquired by the United States for the Pony Express National Historic Trail outside of the exterior boundaries of any federally administered area without the consent of the owner. Within Wyoming and Utah, no lands may be acquired by the United States for the trail, except with the consent of the owner.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 1, 1990.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared and attached cost estimate for H.R. 1109, an act to amend the National Trails System Act to designate the California National Historic Trail and Pony Express National Historic Trail as components of the National Trails System.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 1109.

2. Bill title: An act to amend the National Trails System Act to designate the California National Historic Trail and Pony Express National Historic Trail as components of the National Trails System.

3. Bill status: As ordered reported by the Senate Committee on Energy and Natural Resources, April 25, 1990.

4. Bill purpose: H.R. 1109 would add the Pony Express National Historic Trail and the California National Historic Trail to the National Trails System under the administration of the National Park Service (NPS).

5. Estimated cost to the Federal Government:

(By fiscal year, in millions of dollars)

	1990	1991	1992	1993	1994	1995
Estimated authorization level	0.3			2.5	0.5	0.1
Estimated outlays		0.2	0.1	.9	1.0	.7

The costs of this act fall within budget function 300.

Basis of estimate: For purposes of this estimate, it is assumed that H.R. 1109 will be enacted in fiscal year 1990 and that the full amounts estimated to be necessary will be appropriated for each year as shown in the table. For fiscal years 1990–1992, estimated authorizations and outlays reflect costs that would be incurred to prepare a management plan as required under Section 5(f) of the National Trails System Act. It is assumed that purchases of land or other interests such as right-of-way would begin subsequent to the completion of the plan at the end of 1992. About two-thirds of the $2.4 million estimated to be necessary for this purpose would be spent during 1993 and 1994. In addition, estimated appropriations for 1994 include development costs of about $400,000 for the California National Historic Trail (about one-half of which would be spent through 1995). Finally, estimated authorization levels include operating and maintenance costs of about $60,000 in 1993, rising to about $140,000 by 1995.

Estimates of authorization levels and outlays are based on historical funding and spending patterns for similar projects and on information obtained from the NPS.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: On March 5, 1990, CBO prepared a cost estimate for H.R. 1109 as ordered reported by the House Committee on Interior and Insular Affairs on February 28, 1990. The estimated costs of the two versions of the bill are identical.

9. Estimate prepared by: Deborah Reis.

10. Estimate approved by: C. G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).

Regulatory Impact Evaluation

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carry-

ing out H.R. 1109. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 1109, as ordered reported.

Executive Communications

On March 12, 1990, the Committee on Energy and Natural Resources requested legislative reports from the Department of Interior and the Office of Management and Budget setting forth executive views on H.R. 1109. These reports had not been received at the time the report was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing on H.R. 1109 follows:

Statement of James M. Ridenour, Director, National Park Service, Department of the Interior

Mr. Chairman, I appreciate this opportunity to provide your subcommittee with the views of the Department of the Interior on this legislation.

We recommend the enactment of either S. 456 or H.R. 1109.

These bills would amend the National Trails System Act to designate the California and Pony Express National Historic Trails as components of the National Trails System. These two trails were recommended for addition to the National Trails System by Acting Secretary of the Interior Gjelde in a letter to Vice President Quayle dated January 30, 1989.

The Act of August 28, 1984, (48 Stat. 1483), added the Pony Express Trail and the California Trail to the list of trails to be studied for potential addition to the National Trails System. The National Park Service completed the study of both trails and determined that it would be feasible and desirable to add them to the System. Acting Secretary Gjelde's letter to the Congress of January 30, 1989, recommended the enactment of legislation to accomplish that result.

S. 456, introduced by request on February 28, 1989, is identical to the legislation submitted by the Department. In addition to designating both the Pony Express and the California National Historic Trails, it makes clear that any private lands needed for either of the trails would be acquired only with the owner's consent.

H.R. 1109, which passed the House of Representatives on March 6, is identical to S. 456, with two exceptions: The Senate bill prohibits all condemnation of private lands, whereas the House bill only prohibits condemnation outside of Federally administered areas; and the House bill

contains different appropriation language from the Senate bill, although the effect is the same. We intend all land acquisition outside Federally administered areas to be accomplished by State and local governments for both trails, and therefore Federal condemnation is not an issue outside of Federally administered areas. Within Federally administered areas, condemnation would be authorized under the House bill but not under the Senate bill. We do not believe condemnation will be necessary.

The Subcommittee held a hearing on S. 374, the Pony Express Trail, on September 12, 1989 at which time we testified in favor of the more comprehensive bill, S. 456. Our testimony discussed both the Pony Express and California Trails, and accordingly, I will not repeat that material at this time.

Mr. Chairman. We believe these two trail proposals embody some of the most important aspects of American history. As such they should be commemorated and interpreted as part of the Nation's system of trails.

This concludes my prepared remarks, Mr. Chairman. I would be pleased to respond to any questions you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes the following changes in existing law made by the Act as reported (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law to which no change is proposed is shown in roman):

NATIONAL TRAILS SYSTEM ACT

AN ACT To establish a national trails system, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Trails System Act".

* * * * * * *

NATIONAL SCENIC AND NATIONAL HISTORICAL TRAILS

SEC. 5. (a) National scenic and national historic trails shall be authorized and designated only by Act of Congress. There are hereby established the following National Scenic and National Historic Trails.

* * * * * * *

(18) The California National Historic Trail, a route of approximately five thousand seven hundred miles, including all routes and cutoffs, extending from Independence and Saint Joseph, Missouri, and Council Bluffs, Iowa, to various points in California and Oregon, as generally described in the report of the Department of

the Interior prepared pursuant to subsection (b) of this section entitled "California and Pony Express Trails, Eligibility/Feasibility Study/Environmental Assessment" and dated September 1987. A map generally depicting the route shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the United States for the California National Historic Trail except with the consent of the owner thereof: Provided, That within the States of Utah and Wyoming, no lands or interests therein may be acquired by the United States for the California National Historic Trail except with the consent of the owner thereof.

(19) The Pony Express National Historic Trail, a route of approximately one thousand nine hundred miles, including the original route and subsequent route changes, extending from Saint Joseph, Missouri, to Sacramento, California, as generally described in the report of the Department of the Interior prepared pursuant to subsection (b) of this section entitled "California and Pony Express Trails, Eligibility/Feasibility Study/Environmental Assessment", and dated September 1987. A map generally depicting the route shall be on file and available for public inspection in the Office of the National Part Service, Department of the Interior. The trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the United States for the Pony Express National Historic Trail except with the consent of the owner therefor: Provided, That within the States of Utah and Wyoming, no lands or interests therein may be acquired by the United States for the Pony Express National Historic Trail except with the consent of the owner thereof.

○